

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

The deposition upon oral examination of RACHEL WILLIAMS COLE, a witness produced and sworn before me, Julie A. Nicholson, RPR, CRR, Notary Public in and for the County of Hamilton, State of Indiana, taken on behalf of the Plaintiff at the offices of Stewart Richardson & Associates, 450 East 96th Street, Suite 5052, Indianapolis, Indiana, on June 7, 2023, at 8:58 a.m., pursuant to the Federal Rules of Civil Procedure.

STEWART RICHARDSON & ASSOCIATES  
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(800) 869-0873

1 Q When did you start as director of counseling?

2 A I may -- that may have been 2015. I'm not sure.

3 It -- it's -- like, I've roughly been in this six  
4 or seven years.

5 Q Six or seven years as the director?

6 A Uh-huh.

7 Q And I want to jump back because you thought you  
8 started at Carmel High School in 2015.

9 A Yeah. Maybe it was 2000 -- that's what -- my years  
10 aren't real -- I don't know the year.

11 Q Do you believe it was 2005?

12 A I do now that I'm thinking.

13 Q So since Carmel, I just want to make sure. You  
14 worked as an alternative -- in the alternative  
15 school a half a year to a year and a half and then  
16 a freshmen counselor for about ten years and then  
17 director of counseling for six or seven; is that  
18 correct?

19 A Yeah.

20 Q And between your leaving Lafayette High School and  
21 starting at Carmel, how long do you think that was  
22 that you were taking a leave for your children?

23 A It was roughly, like, three years I was still in  
24 Kentucky. My husband still worked there. And then  
25 he got transferred to Indianapolis. We moved to

1 Carmel. And then I was -- I want to say two and a  
2 half years before I started with Carmel.

3 Q So when you started at Carmel, let's focus on your  
4 time as a freshmen counselor right now. Who did  
5 you report to?

6 A Kathy Luessow and Linda Skafish.

7 Q And what were their positions?

8 A Freshmen center assistant, who oversaw the freshmen  
9 center assistant principal, and director of  
10 counseling.

11 Q And in your position as a freshmen counselor, tell  
12 me generally what your duties were.

13 A Transitioning eighth grade students to high school  
14 and scheduling all of eighth and ninth, like, at  
15 the school for the following year and everything  
16 else that comes with school counseling.

17 Q And as the director of counseling, who do you  
18 report to? Well, let's focus on when Dianna  
19 Stringham was there in, let's say, 2020, 2021,  
20 early 2022. Who did you report to at that time?

21 A Karen McDaniel and Mo Borto.

22 Q And at the time, what was Karen's position?

23 A In '20, I think she was assistant principal -- a  
24 12-month assistant principal, I think.

25 Q What about Mo Borto?

1 A She -- she was an assistant principal. I'm  
2 honestly not sure in 2020 if I was reporting to  
3 her. It may have been just Karen because there was  
4 a shift where Karen got a new title and Mo took  
5 over special education and counseling. And that  
6 may have happened in '21. I'm not sure the exact  
7 year.

8 Q And as the director of counseling, tell me  
9 generally what your duties are.

10 A Overseeing the counseling department, supporting  
11 scheduling, PSAT testing; depending on what year it  
12 was, 504s, overseeing social work team. Basically  
13 the academics, mental health, and career services  
14 in our school. We also have a college career  
15 center that I'm over.

16 Q And at the time, let's say the '21-'22 academic  
17 year, how many counselors did you oversee?

18 A Sixteen, yeah.

19 Q What about social workers?

20 A What year was it?

21 Q 2021-2022 academic year.

22 A I think we had four then. Right around then we  
23 went from three to four. I just can't remember the  
24 exact year.

25 Q And are you familiar with the Standards for Success

1 system?

2 A Yes.

3 Q And what is that system?

4 A That is a tool our school system uses for an  
5 evaluation tool.

6 Q And are you aware of what are called artifacts in  
7 the SFS system?

8 A Yes.

9 Q And what are artifacts?

10 A They are anything that the counselor or the  
11 person -- evaluator wants to upload or submit in  
12 the SFS system to support anything basically of the  
13 four areas.

14 Q And you say four areas. What are the four areas?

15 A I wouldn't -- I'd have to pull up the system to  
16 recall it.

17 Q But just so I understand, are there four different  
18 categories that you kind of evaluate?

19 A It -- it -- yes, it could be -- fall under an  
20 observation.

21 Q And these things that you upload, are they  
22 typically positive, negative, both?

23 MS. SCHNELKER: Object to form.

24 Q You can answer.

25 A They support something. So typically they're

1 positive.

2 Q And focusing on the 2021-2022 school year, how  
3 often do you think for counselors you would -- on a  
4 weekly basis for all your counselors that you would  
5 upload something into the SFS system?

6 A When -- usually it's when there's an observation  
7 for me to upload something normally for a  
8 counselor.

9 Q And for a school counselor, how many times per  
10 academic year, again, focusing on '21-'22, are the  
11 counselors observed?

12 A It depends on, like, their years of experience and  
13 if they're on an improvement plan or not.

14 Q So focusing on someone like Dianna Stringham, how  
15 many times per year would she have been observed?

16 MS. SCHNELKER: Object to form.

17 Q Go ahead.

18 A Again, it would depend on the year. Most I want to  
19 say are what we call two long -- for a while there  
20 it was two longs and three shorts. This year it is  
21 one long and two shorts. The school system kind of  
22 tweaks the year -- you know, each year. We've had  
23 a different principal, whatever, superintendent.  
24 If you're new, I want to say it's two longs and  
25 three shorts in your first or second year and --

1       yeah, those are the ones I can remember.

2   Q   And does Carmel still -- or do you use at Carmel  
3       still the SFS system to evaluate counselors?

4   A   Yes.

5   Q   Is that tool used for your evaluation?

6   A   SFS is used, yes.

7   Q   And how often do you receive performance reviews?

8   A   Once.

9   Q   Per year?

10   A   Yeah.

11   Q   Are there observations done of you as the director  
12       of counseling?

13   A   Yes.

14   Q   And is that just one observation a year?

15   A   I think it depends on your supervisor.  Everyone  
16       has one performance review, whether you're at the  
17       end.  It doesn't matter what your administrator --  
18       culmination.

19   Q   So in the 2021-2022 school year, do you know how  
20       many observations were done of you?

21   A   No.

22   Q   And do you know Dianna Stringham?

23   A   Yes.

24   Q   And how do you know Dianna?

25   A   We worked together.

1 Q And how long did you work together?

2 A I want to say about six or seven years. I'm not  
3 sure exactly.

4 Q And how would you describe your working  
5 relationship with Dianna?

6 MS. SCHNELKER: Object to form.

7 A I think it was -- how do I describe it? Is this  
8 just a culmination of all the years?

9 Q Let's focus -- let's say from 2020 to 2022.

10 MS. SCHNELKER: Same objection.

11 You can still answer.

12 A I -- I think we had a good working relationship.

13 Q And what strengths did you see in Dianna as a  
14 counselor, again, 2020-2022 area?

15 A Building relationships with students and making  
16 them feel at ease.

17 Q Did you see any other strengths from Dianna?

18 A Would have a positive attitude or try to have a  
19 positive attitude most of the time. Stressful job  
20 and...

21 Q And how many -- is it correct that Dianna was a  
22 counselor for 10 to 12, grades 10 through 12?

23 A Yes.

24 Q And how many students -- let's focus again, like,  
25 on 2021-2022. How many students would Dianna be



1 counseling?

2 A Well, it would be on our caseload. I want to say  
3 around -- it was probably between 340 and 360.

4 Q And how many overall -- in the high school from 9  
5 to 12, how many students are there at Carmel?

6 A Roughly, like, 5200 right now. And that's...

7 Q And did there come a time that you placed Dianna on  
8 a performance improvement plan?

9 A Yes.

10 Q And when was that?

11 A After -- I believe it was after the -- it was the  
12 fall of 2020, I believe.

13 Q And why was it that you placed Dianna on a  
14 performance improvement plan or I might refer to it  
15 as a PIP?

16 A I was concerned about the documentation and what  
17 was being communicated to parents and families in  
18 some of the follow-up procedures we have.

19 Q And you were concerned about documentation. What  
20 documentation are you referring to?

21 A Like, just phone logging and getting the correct  
22 courses in a schedule and four-year plan-out type  
23 of planning for a student to graduate on time.

24 Q And you mentioned phone logging. Are the  
25 counselors required to keep a phone log?

1 A They can document -- I call it a phone log. They  
2 can use whatever system they want. But yes.

3 Q And when you're referring to, you know,  
4 documenting, give me some examples on how some of  
5 the counselors documented their phone logs.

6 A A lot used actually a book that's called a phone  
7 log. Some just use a notebook. Some might use a  
8 spreadsheet. I'm really not sure what everybody  
9 uses, but those are the ones I've seen and they can  
10 reference quickly.

11 Q Were they required to turn these phone logs in to  
12 you?

13 A Huh-uh.

14 MS. SCHNELKER: Sorry. You have to say yes or  
15 no.

16 A Oh, sorry. No, no.

17 Q So with the performance improvement plan in the  
18 fall of 2020, when did -- well, first of all, did  
19 you make the decision to place her on a PIP?

20 A Yes.

21 Q And when did you make that decision?

22 A I don't know the exact date or anything, but at the  
23 end of '19-'20, I felt like I needed to intervene  
24 with some support.

25 Q And did you discuss this decision with anyone?

1 A Yes.

2 Q And who did you discuss it with?

3 A Karen McDaniel. I can't remember if Mo was  
4 involved in that one or not.

5 Q Anybody else?

6 A No.

7 Q Did you draft the actual PIP?

8 A Yes.

9 Q And when did you draft that?

10 A I don't -- I don't know the date.

11 Q Do you recall when you gave it -- when you  
12 presented the PIP to Dianna Stringham?

13 A I know it was the beginning of the school year when  
14 we came back. I was actually out six weeks or may  
15 have been a little bit longer, medical reason, that  
16 summer. And I had -- was working on it and came  
17 back to school. I don't know the exact date.

18 Q Prior to presenting it to Dianna, did you e-mail it  
19 to anyone for review?

20 A I think I did to Mo. I think that might have been  
21 actually when the transition occurred. But yes, I  
22 definitely collaborated before -- beforehand.

23 Q Do you recall approximately when you e-mailed that  
24 to Mo?

25 A I want to say it was early August. May have been

1 late July. I'm really not sure of the date.

2 Q Did you have any meetings with anybody before --  
3 let me say, before presenting it to Dianna, did you  
4 have any meetings with anyone to discuss the PIP?

5 A I had phone calls. Again, I was on a leave myself  
6 during that summer.

7 Q Do you recall who you had the phone calls with?

8 A Mo.

9 Q And focusing on the 2020-2021 school year, did you  
10 believe Dianna was effective at her job?

11 MS. SCHNELKER: Sorry. You said in 20- --

12 MS. MADDOX: 2020-2021.

13 MS. SCHNELKER: Okay.

14 A Yes.

15 Q And if she was effective at her job 2020-2021  
16 school year, why did you place her on a PIP?

17 A Because I had concerns in areas.

18 Q And what areas? Just the ones you --

19 A Uh-huh.

20 Q -- discussed previously?

21 A Yeah.

22 Q But she was still being effective; correct?

23 A In some areas, yes.

24 Q Did you think she was ineffective in other areas?

25 A She was struggling in some areas.

1 Q And in the 2020-2021 school year, did you do any  
2 observations of Dianna?

3 A Yes.

4 Q And how many do you recall doing?

5 A I don't remember exactly, but I want to say it was  
6 probably two longs and two shorts. But I can't  
7 remember.

8 Q Do you recall your thoughts on those -- let's focus  
9 on the two longs. Did you believe during those two  
10 long observations that she was being effective?

11 A Yes.

12 Q What about the two shorts?

13 A I don't even remember what they were.

14 Q Would those have been documented in the SFS system?

15 A Yes.

16 Q Do you think -- again, in the 2020-2021 school  
17 year, do you think Dianna had a -- what would  
18 you -- would you consider her to have a positive  
19 relationship with students?

20 A With some, yes.

21 Q What about with staff?

22 A I honestly can't remember.

23 Q What about in the '21-'22 school year? Do you  
24 think Dianna had a positive relationship with  
25 students?

1 A What year was it?

2 Q '21-'22.

3 A I think there were some, yes.

4 Q And what about with staff during that same time  
5 period?

6 MS. SCHNELKER: Object to form.

7 Q Go ahead.

8 MS. SCHNELKER: You can answer.

9 A I -- I think so.

10 Q Did any of your observations with Dianna in the  
11 2021 school year -- were any of the observations  
12 when she was talking with students?

13 MS. SCHNELKER: Sorry. '21 to '22 or --

14 MS. MADDOX: No. '20 to '21.

15 MS. SCHNELKER: Okay.

16 A I -- my assumption is yes, but I honestly cannot  
17 discern the different observations in those  
18 areas --

19 Q Did --

20 A -- of what, like, I -- if I popped in on a  
21 scheduling meeting or if it was a presentation to a  
22 group or -- I just -- I don't remember what they  
23 were.

24 Q Okay. Did it kind of vary on what you would  
25 observe of her?

1 A Early I used to do a scheduling meeting, which is  
2 kind of a road script with a student to schedule  
3 courses. And then I would do sometimes a  
4 presentation that a counselor was doing, but  
5 sometimes I might -- whatever it was, if they were  
6 with a student and it was -- we needed -- you know,  
7 it was a week that wasn't too busy and I said, Hey,  
8 if you're with a student, let me know and I'll pop  
9 in. So I really don't know where I tracked those  
10 with her or any counselor if you asked me right  
11 now. I couldn't recall I did this within that  
12 year. But they're in there.

13 Q So in the fall of 2021, did you do any observations  
14 of Dianna?

15 A Yes, because we have to do them in the fall and the  
16 spring.

17 Q Okay. And in the spring -- so between January  
18 to -- basically January '22, did you do any  
19 observations of her?

20 A January --

21 Q 2022.

22 A Formal observation with SFS?

23 Q Yes.

24 A No, I don't think I did because it wasn't that many  
25 days.

1 Q So just generally in any observations you did with  
2 Dianna that involved students, did the students  
3 typically react positively to Dianna?

4 A Uh-huh.

5 MS. SCHNELKER: Object to form. You have to  
6 say yes or no.

7 A Oh, yes, yes.

8 MS. SCHNELKER: That's what I'm here for.

9 Q And I don't even catch it sometimes because that's  
10 how I talk.

11 Do you believe she had a good rapport with the  
12 students?

13 A Yes.

14 Q Did you ever discuss any concerns you had with  
15 Dianna with Thomas Harnas?

16 A Yes.

17 Q And when did you discuss concerns with Thomas  
18 Harnas?

19 A I do not remember.

20 Q Do you recall how many times you spoke with him  
21 about Dianna?

22 A I don't know an exact number, no.

23 Q Did you speak with him about performance concerns  
24 with Dianna?

25 A Yes.



1 Q And do you recall the exact performance concerns  
2 you had?

3 A I don't. I remember one, but I know there was more  
4 than one.

5 Q And what was the one you remember?

6 A Students that didn't graduate.

7 Q Do you recall when that was?

8 A I'm not sure the year.

9 Q And when you say the students that didn't graduate,  
10 what concerns did you come to Dr. Harmas with?

11 A That we had students that didn't graduate that were  
12 coming back for a fifth year that should have been  
13 addressed in the spring with some interventions.

14 Q And were these students of -- that Dianna was  
15 counseling?

16 A Uh-huh, yes.

17 Q Do you recall how many students there were?

18 A I want to say it was five, but I can't -- I don't  
19 remember the exact number.

20 Q And did you go to Dr. Harmas to get advice on what  
21 to do about that?

22 A I went to him because I always make him aware of  
23 situations or things going on in our school that I  
24 think somebody overseeing our school should know.

25 Q And what was Dr. Harmas's response to the possibly

1 five students that were coming back?

2 A He wanted to know what we could do. I mean,  
3 initially he wanted to know what could we -- what  
4 could we do for these kids.

5 Q Did he raise any concerns about Dianna?

6 A Yes.

7 Q And what concerns did he raise?

8 A How did this happen?

9 Q Any other concerns?

10 A I don't remember.

11 Q Did he have any suggestions for you to help Dianna?

12 A To work with Mo. And we needed to see what we  
13 could do to not let this happen again and ensure it  
14 wouldn't happen again.

15 Q And those five students, possibly five students,  
16 were there -- besides those five students, were  
17 there any other students that were coming back as a  
18 fifth-year senior?

19 A Yes.

20 Q And how many?

21 A I don't remember.

22 Q Would you say more than five?

23 A No.

24 Q Do you recall for those others, other than the  
25 five -- possibly five we discussed, who their

1 counselors were?

2 A I don't remember. I remember one was Kevin's. We  
3 had been working -- we knew he wasn't going to, and  
4 we had been working with him and his family. But I  
5 can't remember. There were a couple others and I  
6 can't remember. Mo was working with the counselor  
7 and them.

8 Q And you said Kevin. Is that the counselor's name?

9 A Yeah, Kevin McDonough.

10 Q And what's that last name?

11 A McDonough.

12 Q Did you discuss your concerns with those additional  
13 possible fifth-year students, fifth-year seniors  
14 with Dr. Harmas?

15 A No.

16 Q And why not?

17 A Because we were aware of those all along.

18 Q Were you not aware of the possibly five of Dianna's  
19 students?

20 A Correct.

21 Q And is it common to switch students between  
22 counselors?

23 MS. SCHNELKER: Object to form.

24 A No.

25 Q Did you ever switch any of Dianna's students to

1 another counselor?

2 A Yes.

3 Q Did you ever switch other students to Dianna?

4 A I think I did one, but again, I'm not positive.

5 Q And what would be the reason to switch students  
6 between counselors?

7 A It usually was over -- we could not work out  
8 something between the parent and the counselor that  
9 had gone south and this parent had concerns.  
10 Initially I tried to get -- get it resolved.  
11 Let's, you know, work this out. But there are  
12 times that I couldn't -- we couldn't get to that  
13 point, and we moved the -- moved the student.

14 Q I'm kind of switching gears a little bit to your  
15 transition from counselor to director of  
16 counseling. Did anyone mentor you when you made  
17 that transition?

18 A Initially Linda Skafish I met with for a few times  
19 and then Karen McDaniel was the person over me that  
20 I guess I would go to or meet with.

21 Q And how often -- you said Linda Skafish you met  
22 with a few times; is that correct?

23 A Uh-huh.

24 Q How often would you meet with Karen McDaniel when  
25 you were transitioning?

1 A We had a standing one-month -- one-time-a-month  
2 meeting. And then at that time, I was in also the  
3 AP meetings.

4 Q And what --

5 A It was Monday or Tuesday mornings.

6 Q What are the AP meetings?

7 A It's all the principals, assistant principals, and  
8 the ADs where it's kind of an overall discussion of  
9 troubleshooting, making sure everybody's in the  
10 know or problem solving.

11 Q And these meetings with Karen McDaniel that were  
12 one time a month, how many months did you meet with  
13 her?

14 A I would probably say there were some that had to be  
15 canceled because -- I don't know -- her position is  
16 a hard discipline, too. But I would probably say  
17 70 percent.

18 Q And did these last for a year, two years?

19 A I still meet -- like, now it's Mo, but yes.

20 Q And in your time -- focusing on your time as a  
21 freshmen counselor, did you attend any diversity  
22 trainings?

23 A As a freshmen counselor?

24 Q As a freshmen counselor.

25 A I don't -- I don't know.

1 Q Did Carmel offer any diversity trainings?

2 A I'm really not sure. I -- I don't -- I don't know.  
3 I don't think so.

4 Q What about in your time as director of counseling?  
5 Have you attended any diversity training?

6 A Yes.

7 Q And tell me a little bit about that diversity  
8 training.

9 A Well, we -- there's been several, but there's one  
10 that was in -- I don't -- it was in a summer. It  
11 was, like, a half-day workshop that was -- I don't  
12 know. It's kind of like our -- they select so many  
13 people from our district to go and have a group  
14 come in and do the training. And then we, you  
15 know, now hired somebody in the district a couple  
16 years ago that has pushed out a lot. And we have  
17 an instructional coach person that puts them on in  
18 the mornings throughout the year for teachers and  
19 they do book studies. So it's kind of different --  
20 trying to give different platforms for staff to get  
21 training.

22 So I've done some of the book studies, done  
23 some of the morning -- and then we've even had -- I  
24 remember, I guess, doing some of the Zooms a few  
25 years back that Terri and Kim Johnson had put out.

1 But that has really been since -- that wasn't  
2 during freshmen -- when I was a freshmen counselor.  
3 That's really kind of been new since almost I want  
4 to say Covid. I don't remember if it was before  
5 then.

6 Q And what are -- in these trainings, what types of  
7 subjects were discussed?

8 A A lot with how to support LGBTQ, just different  
9 cultures in general, how references that maybe are  
10 questions that could be offensive that maybe people  
11 weren't aware of, how to frame communication in a  
12 better way, also trying to help onboard students in  
13 a classroom or the building, I guess, in general.  
14 Yeah.

15 Q Did Carmel require you to take these trainings?

16 A No.

17 Q Do they require a certain number that you take per  
18 year?

19 A No.

20 Q So this is all optional?

21 A Yes.

22 Q And so in these what I will call diversity  
23 trainings, did you learn about the different  
24 cultures and how to help your students?

25 A In some, yes.

1 Q Did they ever discuss how to implement that with  
2 staff members?

3 A Well, it was really adults because it could be  
4 parents as well as -- I don't know that it was  
5 designated staff, but -- because we have, you know,  
6 parents as well we're supporting and that are  
7 coming into our school.

8 Q As the director of counseling, did you ever put on  
9 diversity training for your counselors?

10 A I had a counselor that was assigned to our  
11 committee on the -- for the school that was with  
12 diversity that shared some things that we pushed  
13 out in a department meeting and then also we'd  
14 send, like, reminders. This is going on.

15 Q Did you ever encourage your counselors to attend  
16 these trainings?

17 A Uh-huh, yes.

18 Q Did most attend them?

19 A It was hard for me to know, like, on the Zoom, but  
20 I would pick up that -- you know, again, a  
21 conversation or whatever that, yeah, I felt like a  
22 lot of my people were trying to do some of these.

23 Q Have you ever attended any leadership training?

24 MS. SCHNELKER: Object to form.

25 A I -- I will say yes.



1 Q And do you recall when you took leadership  
2 training?

3 A I don't know the year, but, like, we had -- we  
4 were -- you can sign up for it, was told to go to  
5 it. But, like, cognitive coaching and how to lead  
6 conversations with staff or with others.

7 Q And -- go ahead.

8 A Yeah. That's what I'm thinking of.

9 Q And you said Carmel told you to go to this?

10 A You got a, yeah, calendar invite and needed to  
11 clear your calendar to attend those days.

12 Q Was this all the Carmel employees that had to  
13 attend?

14 A Eventually it's going -- it is. Like, I still have  
15 people next year that are going to go to it that...

16 Q And if they're requiring this leadership training,  
17 did they require the diversity training in any way  
18 in the same fashion?

19 A The only diversity I believe that was required was,  
20 like, with a coffee with a principal or a beginning  
21 of the school year. And I'm not even -- have real  
22 clarity on those meetings because we have -- we  
23 had -- didn't have coffee with the principal  
24 meetings staff-wide last year and we had one this  
25 year. But I do feel like the years prior, that was

1 included.

2 Q And you mentioned earlier that there is -- within  
3 the last few years there's been a -- kind of a  
4 diversity office or a -- someone that's in charge  
5 of diversity at Carmel?

6 A A team.

7 Q A team?

8 A Yeah.

9 Q Tell me a little bit about that team.

10 A It has an assistant principal, an instructional  
11 coach, and then any staff member that wants to be  
12 on it.

13 Q And what does this diversity team do?

14 A They plan PD for the school and activities.

15 Q And just for the record, PD, is that professional  
16 development?

17 A Yes.

18 Q Have you ever had this diversity team come in and  
19 present any professional development to your  
20 counselors?

21 A No.

22 Q And have you ever -- did you ever go to anyone to  
23 make a complaint about Dianna?

24 MS. SCHNELKER: Object to form.

25 A A formal complaint?

1 Q Let's start with formal complaint.

2 A No.

3 Q Have you ever made an informal complaint about  
4 Dianna?

5 MS. SCHNELKER: Object to form.

6 A Yes.

7 Q And how many times?

8 MS. SCHNELKER: Same objection.

9 A I'm not sure.

10 Q So tell me about some of -- tell me about the  
11 informal complaints you made.

12 A It was just frustrations with how some situations I  
13 was having to intervene and get involved in or  
14 clean up, so to speak.

15 Q And who did you direct these informal complaints  
16 to?

17 A Mo or Karen.

18 Q And with these informal complaints that you took to  
19 Mo or Karen, did Mo or Karen give you any advice on  
20 how to handle them?

21 A Yeah. That -- yes.

22 Q And what was their advice?

23 A It just depended on the situation.

24 Q Did they ever recommend that you document your  
25 concerns?

1 A Yes.

2 Q And did you do that?

3 A Yes, I started to do that.

4 Q And when did you start to do that?

5 A I think 2017.

6 Q And where did you document?

7 A Just on an Excel spreadsheet.

8 Q Is that an Excel spreadsheet you kept for yourself?

9 A Uh-huh, yes.

10 Q Did anyone else have access to it?

11 A No.

12 Q Did you keep an Excel spreadsheet on any other  
13 counselors?

14 A No.

15 Q Did you ever discuss these concerns with Dianna?

16 A Yes.

17 Q Each time you had a concern, did you discuss it  
18 with her?

19 A Yes.

20 Q And were these discussions with Dianna verbal?

21 A Yes.

22 Q Were they ever in writing?

23 MS. SCHNELKER: Object to the form.

24 Can you specify time frame?

25 Q Anytime you had a concern with Dianna or Dianna's

1 performance, did you ever discuss those in writing?

2 A Say that again. I'm sorry.

3 Q Anytime you had -- because you said that when you  
4 had concerns, you would discuss those with Dianna  
5 and you discussed those verbally. And my question  
6 was, did you ever discuss those in writing?

7 A Yes.

8 Q And has anyone ever made a -- let's focus on  
9 formal. Has anyone ever made a formal complaint  
10 against you?

11 A Yes.

12 Q And who is that?

13 A Dianna.

14 Q Anyone else?

15 A No.

16 Q And when did Dianna make this formal complaint?

17 A I -- I actually don't know when she actually made  
18 the complaint. I just know when I -- I don't know  
19 the exact date, but when I was told. Does that  
20 make sense?

21 Q Yes, that does make sense.

22 A Okay.

23 Q Did you ever see a copy -- well, first of all, was  
24 the complaint made in writing?

25 A I have no idea.

1 artifacts for any other counselors?

2 MS. SCHNELKER: Object to the form.

3 A Yeah, I don't remember.

4 Q Do you recall in the 2021-2022 school year if you  
5 uploaded any artifacts to any other counselor other  
6 than Dianna?

7 MS. SCHNELKER: Same objection.

8 A Yeah, I don't remember. I -- I can tell you I  
9 uploaded some artifacts for some different people,  
10 but I don't remember the years.

11 Q Let's focus on generally in a week in the 2020-2021  
12 school year. Generally in a week, how many times  
13 do you believe you used the SFS system to upload  
14 artifacts?

15 A So '20-'21 --

16 Q 2020-2021 school year.

17 A And then say the second half of that again.

18 Q How many times would you say on average you used  
19 the SFS system to upload artifacts?

20 A I'm not sure.

21 Q What about for 2021-2022 school year?

22 A I really don't remember. I know it can -- you can  
23 get that pretty easy, but I don't remember.

24 Q Does Carmel still use the SFS system now?

25 A We did this year.

1 Q And what was your -- what did you believe her  
2 sexual orientation was?

3 A I wasn't sure.

4 Q Did you ask her?

5 A No.

6 Q Were you aware of any -- were you aware that she  
7 was dating anyone?

8 A Yes.

9 Q And do you know if she was dating a male or a  
10 female?

11 A Yes.

12 Q And who was she dating?

13 A When?

14 Q Let's focus on -- did she ever date a female?

15 A Yes.

16 Q And if I say -- you know, if I refer to pronouns,  
17 the use of pronouns, do you know what I'm referring  
18 to?

19 MS. SCHNELKER: Object to form.

20 A Yes.

21 Q And what pronouns do you use?

22 A Miss, Mrs.

23 Q Do you use she/her?

24 A Yes.

25 Q Was there ever a meeting where you stated that you

1        didn't believe in the use of pronouns?

2    A    I -- I don't -- no, I don't think so.

3    Q    Outside of a meeting, have you ever stated to  
4        anyone that you don't believe -- you do not believe  
5        in the use of pronouns?

6    A    I don't think so.

7    Q    Have you ever said to anyone that you didn't  
8        understand how people use different pronouns?

9    A    No.

10   Q    If someone says, My preferred pronouns are she/her,  
11        do you abide by that?

12   A    Yes.

13   Q    When you were a freshmen counselor, did you make  
14        any comment regarding Dianna being married to a  
15        woman?

16   A    I knew she was married to a woman when she was  
17        hired.

18   Q    Did you ever say you didn't understand how she  
19        could be married to a woman when she had previously  
20        been married to a man?

21   A    No.

22   Q    Would you consider yourself an ally to the LGBTQ  
23        community?

24                MS. SCHNELKER: Object to form.

25   A    Yes.



1 Q And how do you show your allyship?

2 A How I carry myself is what I hope is how I show it.  
3 I mean, we have the ally rainbow thing. You know,  
4 it's in my office. It's in most people's offices.  
5 But we have a T-shirt and -- but how I treat people  
6 and carry myself.

7 Q And you mentioned the rainbow in your office. Do  
8 you have anything like that in your home?

9 A No.

10 Q Do you make any contributions -- financial  
11 contributions to any LGBTQ organization?

12 A No.

13 Q And do you know the significance of June for the  
14 LGBTQ community?

15 A Yes.

16 Q And what is the significance?

17 A The -- June to celebrate Pride.

18 Q Do you do anything to celebrate Pride?

19 A No.

20 Q Do you recall Dianna bringing to your attention a  
21 brain break activity that could have been -- that  
22 could have used the white power symbol?

23 A Yes.

24 Q And what did Dianna say to you about that?

25 A I can't remember exactly. It was something with

1 the fingers and that another teacher -- I think I  
2 told Missy who had told Dianna that some people  
3 view -- could view that, I think, as white -- maybe  
4 it was white pride or -- it was something different  
5 than what we were intending.

6 Q Did you notify staff about the potential white  
7 power symbol?

8 A No.

9 Q Were documents disseminated with that symbol on it?

10 A I don't remember.

11 Q And we touched a little bit on the complaint Dianna  
12 made against you. Do you know who investigated  
13 that complaint?

14 A The first one was Dr. O.

15 Q And Dr. O., is that Dr. Oestreich?

16 A Yes.

17 Q And were you interviewed as part of that -- part of  
18 Dr. Oestreich's investigation?

19 A Yes.

20 Q Who were you interviewed by?

21 A Dr. O.

22 Q And tell me about that interview. What kinds of --  
23 what questions did Dr. Oestreich ask?

24 A He asked me if I was aware that Dianna was  
25 Hispanic.

1 Q Were you?

2 A No. He -- let me think. This was a long time ago.  
3 I -- I honestly don't remember the questions, but  
4 it -- I don't remember. I know it's documented,  
5 though. But I clearly remember that one because I  
6 was very surprised.

7 Q If you don't know she was Hispanic, what did you  
8 think her nationality was?

9 A White.

10 Q Were you involved in the decision -- the  
11 preliminary decision to cancel Dianna's contract?

12 A No.

13 Q Did anyone ever discuss that with you?

14 A Yes.

15 Q And who discussed that with you?

16 A Mo.

17 Q And what did -- tell me about those discussions  
18 with Mo.

19 A She told me after the fact what had just happened.

20 Q And what did she say had happened?

21 A I can't remember who it was, but I remember Mark  
22 Wien and someone else gave Dianna, I think it was,  
23 a letter and she's cleared her office and left the  
24 building is roughly what I remember.

25 Q What were your thoughts on Dianna's contract being

1 canceled?

2 A Relief.

3 Q And why was it relief?

4 A It was a pretty hard couple years for me and a  
5 tense, I felt like, environment.

6 Q And what made it a pretty hard couple of years?

7 A All the additional work I had to do on cleanup and  
8 conversations and just worried that a student  
9 wasn't going to have what they needed or graduate  
10 or things like that.

11 Q And what made it a tense environment?

12 A Some of our meetings, in trying to go over some of  
13 these situations and scenarios, Dianna left upset.

14 Q And why did you believe Dianna was upset?

15 A I think she felt like I was picking on her instead  
16 of trying to address the concerns that were  
17 happening.

18 Q After Dianna would leave upset, did you ever go to  
19 check on her?

20 A No.

21 Q And why not?

22 A Well, I knew she was already seeing, like,  
23 professional mental health help and my concern -- I  
24 was trying to stay focused on how I could support  
25 her work-wise. And we had, you know, periodic

1 meetings so I felt like during those times was the  
2 opportunity to discuss anything, a safe  
3 environment, I guess, in my mind.

4 Q Did you ever ask --

5 MS. SCHNELKER: I'm just going to object.

6 There has been a couple of instances where you've  
7 made kind of noises over here in response to the  
8 testimony. And for right now, I'm just going to  
9 note that on the record.

10 MS. STRINGHAM: Go ahead.

11 Q So are there -- did you ever ask how you could  
12 support her work-wise?

13 A Yes.

14 Q And when did you ask her about that?

15 A In our meetings.

16 Q And when you asked her, what was her response on  
17 how you could support her?

18 A One response was modeling or meeting more. One was  
19 the -- is actually where we got to with the  
20 artifacts. The year prior we didn't upload those.  
21 We only discussed them at meetings. So at the end  
22 of the year, those weren't present so it didn't  
23 look like they were part of in her mind the year's  
24 evaluation. So that's where we came to if we have  
25 any, we're going to upload them this year so there

1       it is on the table. We know what we're discussing  
2       and this is part of the year's evaluation.

3   Q   And why didn't you upload artifacts before?

4   A   I typically -- that was my practice, like, with  
5       everyone. Like, I would have a conversation,  
6       discuss it. Let's correct that and let's move on.  
7       But that wasn't working very well.

8   Q   Did you make that a practice going forward for  
9       everyone to upload artifacts?

10  A   If I had a conversation and it wasn't -- you know,  
11       it was happening over and over, I would make that a  
12       practice, yes.

13  Q   Did you ever upload positive things that Dianna did  
14       as an artifact?

15  A   I don't remember.

16  Q   Have you ever uploaded positive things that other  
17       counselors did as an artifact?

18  A   Yes.

19  Q   And who were those counselors?

20  A   Ones I can remember, like, Mary Reese, Melinda  
21       Stephan, I think Ally. I'm not sure. Maybe Kevin.

22  Q   And what's Ally's last name?

23  A   Harbor.

24  Q   What about Kevin?

25  A   McDonough.

1 Q For these focusing on Mary, Melinda, Ally, and  
2 Kevin, are any of those individuals gay?

3 A No.

4 Q Are any of them Hispanic?

5 A No.

6 Q For Mary, what is her race?

7 A White.

8 Q What about Melinda?

9 A I believe they're all white.

10 Q So you believe Mary, Melinda, Ally, and Kevin are  
11 all white?

12 A Uh-huh.

13 MS. SCHNELKER: Is that yes or no? You have  
14 to say yes or no.

15 A Yes. Oh, yes, yes, yes, yes.

16 Q And tell me about a situation that occurred in  
17 January about some forms Dianna wanted you to sign.  
18 Do you recall that?

19 A Yes.

20 Q Did you have a discussion with Dianna about it?

21 A Yes.

22 Q And tell me about that discussion.

23 A The first one, I had come to her office. I want to  
24 say it was Friday and we had had a student that --  
25 I don't know if she didn't come to school, but we

1 were concerned. There was something going on, and  
2 I wanted her, you know, checked on that Friday.  
3 And it was the end of the day. And I remember it.

4 I was like, Oh, my gosh. I hope she checked  
5 on her. So I went in there and I said, Hey, did  
6 you check on So-and-So?

7 And she was like, No, but I will. But it was,  
8 like, 20 till the end of the day or whatever.

9 And I said, Okay. Just go to -- don't send a  
10 pass. Just run up to her room because sometimes  
11 teachers hold a pass.

12 And she goes, I want to give you these papers.

13 And I was literally like, Oh, my God. There's  
14 another time to give me papers. Like, go see this  
15 kiddo.

16 And she goes, No. These papers I need signed.

17 I said, I'll look at these papers later. And  
18 that was the first one.

19 Then the next week -- then I did look because  
20 it was several papers. It wasn't like it was  
21 one -- a one-sheet thing. I looked at the papers  
22 and I realized I couldn't sign off on what these  
23 papers stated that was done at -- under my  
24 supervision at Carmel High School. And so I  
25 reached out to -- I had a similar scenario with



1 this that I had reached out to Stephanie Whiteside  
2 about with the social worker because she oversees  
3 kind of the mental health stuff. And so I reached  
4 out to Dr. O. and ran it by him.

5 I said, I don't think I -- I can't sign these  
6 papers. How do you want me to handle this? And he  
7 said he would take care of it.

8 And I think at that point -- I don't know if  
9 they had a discussion. I know there was an e-mail.  
10 And to me, it was now -- he was addressing it,  
11 that -- you know, as a school district, we really  
12 couldn't sign that.

13 And then several days -- like, I want to say  
14 it was five or six because I kind of thought it  
15 was, like, done. And I remembered her saying it  
16 didn't have to be our school. She could go get  
17 this signed at one of our other schools.

18 And I was like, You just need to go get it  
19 signed at one of the other schools if you feel like  
20 you can. And in my mind -- but she came in the  
21 office with them and was visibly upset. And I  
22 don't know if before that she'd had a talk with  
23 Dr. O. I really don't know what transpired because  
24 it was kind of like an hour, hour and a half into  
25 the day. And I was -- I think I was doing e-mail.

1       So it makes me -- I don't know if she came from  
2       Dr. O.'s office then. I don't know. But she  
3       wanted me -- she was frustrated that I wouldn't  
4       sign them.

5               And I said, I can't sign them. And then  
6       things escalated.

7   Q   And how did things escalate?

8   A   She raised her voice and told me I was ridiculous  
9       and wanted me to call the State. And I was like,  
10      I'm not going to do that. I'm not going to sign  
11      these. You need to talk with Dr. O. about this.  
12      And that's when she was just upset and yelling I  
13      was ridiculous and, like, just call them and not  
14      really listening to what I was saying.

15             And then I don't know if it was an admin  
16      assistant or one of the counselors ended up calling  
17      and Mo came in because my office is kind of in a  
18      traffic way of -- students have to go by my office  
19      to get to counselors or to the social worker -- to  
20      the social workers. And it was not professional.

21   Q   And you said Mo came in?

22   A   Yes.

23   Q   What happened when Mo came in?

24   A   She said, Rachel, you need to come with me and,  
25      Dianna, you need to go. I think she said go. You

1       need to get back to your office, I believe, is what  
2       she said.

3   Q   Did Dianna go back to her office?

4   A   I really don't know.

5   Q   But did Dianna leave at that point?

6   A   I left first, so I honestly don't know.

7   Q   And you left with Mo?

8   A   Yeah.

9   Q   And where did you go?

10   A   I went to Mo's office.

11   Q   And did you discuss what happened with Dianna with  
12       Mo at that time?

13   A   Yes.

14   Q   And tell me about that discussion.

15   A   I just shared what happened. And she asked me to  
16       write it up and forward it to Dr. O.

17   Q   And did you do that?

18   A   Yes.

19   Q   And did you ever discuss what occurred with Dr. O.?

20   A   What do you mean?

21   Q   Did you forward that on to Dr. O.?

22   A   Yes.

23   Q   Did he ever come to you to talk to you about it?

24   A   Yes.

25   Q   And tell me about that discussion with Dr. O.

1 A I can't remember. It was a couple days later. He  
2 just wanted to hear my take on, like, what  
3 transpired. And I just basically talked him  
4 through that again.

5 Q Did Dr. Harmas ever talk to you about it?

6 A No. And I am not super clear, but he may have been  
7 gone on a -- he had knee surgeries or something and  
8 I'm not -- I can't remember if that was the time he  
9 was in the building or not.

10 Q Did Dr. Beresford ever talk to you about what  
11 occurred?

12 A Huh-uh.

13 Q Do you remember --

14 A No, no.

15 Q Did Dianna -- do you know if Dianna was ever  
16 interviewed by Dr. O. about what occurred?

17 A I don't know.

18 Q And after Dianna was placed on administrative leave  
19 and then her contract was canceled, who took over  
20 her duties?

21 A Kathleen Shook.

22 Q And is Kathleen gay?

23 A No.

24 Q Is she Hispanic?

25 A No.

1 Q Is she White?

2 A Yes.

3 MS. SCHNELKER: Do you mind if we take a  
4 restroom break if you're at a natural stopping  
5 point?

6 MS. MADDOX: That's actually what I was  
7 getting ready to do.

8 (Recess taken.)

9 (Previously marked Exhibit 1 referenced.)

10 Q So I want to show you what's previously been marked  
11 as Exhibit 1 if you want to take a look at that.  
12 If we didn't use them yesterday, I have copies.

13 MS. SCHNELKER: Okay. Good to know.

14 MS. MADDOX: The ones we used yesterday I  
15 don't have copies.

16 MS. SCHNELKER: No, that's okay. I have them  
17 right here. Brent gave them to me.

18 Q And let me know when you've had a chance to review  
19 this.

20 A Okay.

21 Q And first of all, do you recognize this document?

22 A I do. I think it's from the website.

23 Q Okay. And what is this document?

24 A It is how parents can get to their e-mail of their  
25 counselor or a person on -- in our staff in our

1 department. It kind of identifies their role.

2 Q And it looks like this is the Carmel High School  
3 counseling department in 2021-2022. So if you can,  
4 flip through these three pages. Do you see anyone  
5 on here that is gay?

6 A Yes.

7 Q And who is that?

8 A Dianna.

9 Q Anybody else?

10 A I don't think so.

11 Q And as you look through here, do you see anybody  
12 that is Hispanic?

13 A I don't believe so.

14 MS. SCHNELKER: You mean other than Dianna?

15 MS. MADDOX: That's what I was going to ask.

16 MS. SCHNELKER: Okay.

17 MS. MADDOX: That was my second question.

18 MS. SCHNELKER: Sorry.

19 A Oh, okay. I'm sorry. What's your question?

20 Q Looking through these three pages, do you see  
21 anybody that is Hispanic?

22 A Dianna, I believe, is the only one who's Hispanic.

23 (Previously marked Exhibit 2 referenced.)

24 Q I'll show you what's been marked as Exhibit 2 if  
25 you want to take a look at this.

1 A Do I get this back?

2 Q You can just lay it there.

3 A Okay.

4 MS. SCHNELKER: She's going to take it.

5 Q Let me know when you've had a chance to review  
6 this.

7 A Okay.

8 Q And do you recognize this document?

9 A Yes.

10 Q And what is this document?

11 A This -- the current -- this past year, school  
12 year's version.

13 Q Of Exhibit 1?

14 A Of the counseling department, yes.

15 Q And as you look through these three pages, can you  
16 point to anyone in here that is gay?

17 A No.

18 Q Is there anyone in these three pages that you can  
19 point to that is Hispanic?

20 A No.

21 (Previously marked Exhibit 3 referenced.)

22 Q I'll show you what's been marked as Exhibit 3.

23 Take a look at that and let me know when you've had  
24 a chance to review it.

25 A Okay.

1 Q Have you ever seen this document?

2 A No.

3 Q If you flip to the second page, on the left side,  
4 you'll see numbers 1 through 28. With your best  
5 guess, where do you believe counselors -- in what  
6 category do you believe counselors would fall?

7 MS. SCHNELKER: Object to form.

8 A In the first column?

9 Q Under activity assignment classification, numbers 1  
10 through 28.

11 A Yeah, guidance.

12 Q And if you look at that next column labeled  
13 Hispanic or Latino male/female and go to number  
14 eight, guidance, is it correct that there is no  
15 number -- there are no numbers listed under male or  
16 female?

17 A Correct.

18 (Previously marked Exhibit 4 referenced.)

19 Q I'll show you what has previously been marked as  
20 Exhibit 4. Sorry about that.

21 A That's okay.

22 Q If you can, review that and let me know when you've  
23 had a chance to review it.

24 A Okay.

25 Q And do you recognize this document?



1 A Not really.

2 Q Have you ever seen this document before?

3 A Yes.

4 Q And if you look at page 1 toward the bottom, it  
5 says, CCS will address disruptive and uncivil  
6 behavior in a progressive manner. Do you see that?

7 A Yes.

8 Q And it goes on to the next page, Usually CCS will  
9 first remind the individual to remain civil and be  
10 respectful and courteous to others. Do you know in  
11 this situation that occurred between you and Dianna  
12 about the counselor forms, the forms to sign, do  
13 you know if Carmel followed this civility and  
14 decorum policy?

15 MS. SCHNELKER: Object to form.

16 THE WITNESS: Do I answer?

17 MS. SCHNELKER: Yes.

18 Q Yes.

19 A Well, I think it goes -- she would go -- if it was  
20 a counselor, we'd look at the employee part. Is  
21 that what you're -- I'm a little confused.

22 Q So where it says, CCS will address disruptive and  
23 uncivil behavior in a progressive manner, let me  
24 ask you this: As the director of counseling, if  
25 you saw disruptive and uncivil behavior, did you

1 address it in a progressive manner?

2 A Of a counselor or --

3 Q Yes.

4 A Okay. If I -- if I saw a disruptive or uncivil  
5 behavior with a counselor, would I address it in a  
6 progressive manner?

7 Q Yes.

8 A It depends.

9 Q On what?

10 A If it was something that I could address.

11 Q And how would you determine if it's something you  
12 could address?

13 A If it was something I could actually talk to the  
14 person about and I felt like they would listen and  
15 we could work on maybe a deescalation plan in the  
16 future or how we might, you know, not have that  
17 happen in the future, I would do that. But if it  
18 seemed it was past that point where I wasn't going  
19 to be heard, then I would probably let someone  
20 above me handle it.

21 Q Did you ever see Dianna engage in disruptive and  
22 uncivil behavior?

23 A Yes.

24 Q And tell me about that disruptive and uncivil  
25 behavior.

1 A Early in my -- when I first started as director,  
2 like, we had a meeting, a department meeting. I  
3 can't remember exactly specifics, but it was  
4 something about we were going to have to move some  
5 kids, I believe, out of an engineering course  
6 because it was overbooked. And I had went through  
7 the schedule and selected students that I thought  
8 could be flipped, still have the same courses or  
9 something. And one of those was Dianna's, and she  
10 was upset.

11 She was going to have -- it's stressful at the  
12 beginning of the year, I will tell you, with, you  
13 know, all the -- all the things you have to do.  
14 And she kind of exploded a little bit with her --  
15 at the meeting.

16 And I just said, We're not going to have that  
17 at this meeting. Let's stop that and you and I  
18 will discuss this after the meeting. And then we  
19 took a short break. She came in. We talked about  
20 that and we talked about in the future, if she  
21 feels like that's coming up, take a break before we  
22 go there. And that's actually a pretty good  
23 example of what I referenced. And it -- I felt  
24 like that worked a couple times.

25 (Previously marked Exhibit 6 referenced.)

1 Q I'll show you what we've previously marked as  
2 Exhibit 6. Take a look at that.

3 A Yes.

4 Q And do you recognize this document?

5 A Yes.

6 Q What is this document?

7 A It's an e-mail from a freshmen counselor.

8 Q And if you look at it, he says, Hi, everyone. I  
9 royally screwed up and forgot to add a kid to the  
10 APC waitlist back on March 9. Was this counselor,  
11 Dave Schleper, written up for this?

12 A No.

13 Q Did you upload any artifacts about it?

14 A No.

15 Q And why not?

16 A I talked to him about it, and he said it wouldn't  
17 happen again.

18 Q Do you know if Dave Schleper is gay?

19 A I -- no, he's not as far as I know.

20 Q Is he Hispanic?

21 A No.

22 (Previously marked Exhibit 7 referenced.)

23 Q I'll show you what's been marked previously as  
24 Exhibit 7. Take a look at that. Let me know when  
25 you've had a chance to review it.

1 A Okay. Okay.

2 Q Do you recognize this document?

3 A Yes.

4 Q Do you recall sending that e-mail on January 10,  
5 2022?

6 A Yes.

7 Q And the subject is, DS return. Does that refer to  
8 Dianna Stringham?

9 A Yes.

10 Q And the second sentence, it says, If that is the  
11 case, she will meet with Mo tomorrow morning and  
12 move back into her office and resume her caseload.  
13 Just for the record, who is Mo?

14 A Assistant principal.

15 Q And is her name Maureen Borto?

16 A Yes.

17 Q Do you know if that meeting ever occurred?

18 A Yes.

19 Q And were you present at that meeting?

20 A No.

21 Q Is it your knowledge that it was just Dianna and Mo  
22 at that meeting?

23 A I am not sure, but I think so.

24 Q And when Dianna returned it looks like possibly  
25 January 11, did you ever meet with her?

1 A Yes.

2 Q Did you meet with her that day?

3 A I can't remember.

4 Q And when you met with Dianna when she returned,  
5 tell me about that meeting. What was discussed?

6 A Mo had sent a communication kind of outlining these  
7 things and just made sure that was -- she had an  
8 understanding of it.

9 (Previously marked Exhibit 8 referenced.)

10 Q I'll show you what's been previously marked as  
11 Exhibit 8. If you would, take a look at that.

12 A Okay.

13 Q Do you recognize this document?

14 A No.

15 Q Have you ever seen this document?

16 A I don't think so.

17 Q Now, it looks like Dr. Oestreich sends this letter  
18 to Dianna and states that she is being placed on a  
19 paid administrative leave effective immediately  
20 January 31, 2022, pending review. Did

21 Dr. Oestreich ever discuss this decision to place  
22 Dianna on a paid administrative leave with you?

23 A No.

24 (Previously marked Exhibit 9 referenced.)

25 Q I'll show you what's been marked as Exhibit 9.

1 Take a look at that. Let me know when you're done  
2 reviewing it.

3 A Okay.

4 Q Have you ever seen this document?

5 A No.

6 Q It looks like it's a letter from Dr. Harmas to  
7 Dianna Stringham. There's two bullet points. The  
8 first one about unprofessional behavior directed  
9 towards your supervisor on January 28, 2022, did  
10 Dr. Harmas ever ask you about this situation?

11 A I -- I don't remember, but I don't think so.

12 Q Did he ever ask you about the second bullet point,  
13 Dianna Stringham's job performance?

14 A Yes, but that was discussed periodically.

15 Q Did he discuss it with you at the end of January of  
16 2022?

17 A Did he discuss her job performance?

18 Q Yes.

19 A I don't remember.

20 Q Do you know if he discussed Dianna's job  
21 performance with you at the beginning of February  
22 of 2022?

23 A I don't know.

24 (Previously marked Exhibit 10 referenced.)

25 Q I'm handing you what's previously been marked as

1 Exhibit 10. Let me know when you've had a chance  
2 to review that.

3 A Okay.

4 Q Have you ever seen this document?

5 A No.

6 Q Did Dr. Beresford ever discuss with you the  
7 proposed cancellation of Dianna Stringham's  
8 contract?

9 A No.

10 (Previously marked Exhibit 12 referenced.)

11 Q I'll show you what's previously been marked as  
12 Exhibit 12. I'm going to ask you about specific  
13 parts of it so if you don't want to read the whole  
14 thing, you don't have to. But you are free to.

15 A Okay. Okay. I think I'm ready.

16 Q All right. Have you ever seen this document?

17 A This -- no. I was getting ready to say yes on  
18 that, but no.

19 Q If you go on the third page, you'll see at the  
20 bottom there are Bates labels. And this is  
21 Stringham 000153. The third section, it states,  
22 Carmel Clay Schools prohibits retaliation against  
23 persons who report discrimination or harassment or  
24 participate in related proceedings. Carmel Clay  
25 Schools will notify the person reporting the



1 discrimination or harassment and all individuals  
2 participating in the investigation, including the  
3 alleged harasser of the school's policy prohibiting  
4 retaliation. Did anyone from Carmel when you were  
5 interviewed about this situation discuss the policy  
6 prohibiting retaliation?

7 A I don't recall, but I do remember it was -- I knew  
8 that it was what the complaint was, that the  
9 complaint was discrimination, I guess.

10 Q But did anyone from Carmel explain to you how you  
11 couldn't retaliate against Dianna for filing this  
12 complaint?

13 A Yeah, yeah.

14 Q And do you recall who --

15 A Dr. O.

16 Q -- told -- Dr. O.?

17 A Yeah.

18 Q Okay. If you go to Stringham 000155, it looks like  
19 the date of report, September 1, 2020. Do you know  
20 at that point if Dianna had been given her first  
21 performance improvement plan?

22 MS. SCHNELKER: Object to form.

23 A I don't think so. I think it was a few days after  
24 this that our meeting was set.

25 Q As of September 1, 2020, had the meeting been

1 scheduled?

2 A I don't remember. I want to say it was, but I  
3 honestly don't remember.

4 Q If you go to Stringham 000157 and under  
5 March/April 2019, about one, two, three, four --  
6 five lines down, it says, Abby told Rachel that she  
7 had been dating women and Rachel told her she  
8 didn't think that was a great idea. Do you see  
9 that part?

10 A Uh-huh.

11 Q Did you ever tell Abby dating women wasn't a great  
12 idea?

13 A No.

14 Q Did Abby ever come to you and tell you she was  
15 dating women?

16 A No.

17 Q And in that same section, toward the bottom, it  
18 says, Abby felt that Rachel was trying to get rid  
19 of her. She talked to several people to help her,  
20 but the teachers' union could not help at that  
21 time. Social workers were not under teacher  
22 contract so they could not represent her. Abby  
23 then went to human resources and told them the  
24 story. She took a leave of absence because she was  
25 a bundle of nerves. Did anyone from human

1 resources ever tell you Abby went to them about  
2 you?

3 A No.

4 Q Do you recall when Abby took a leave of absence?

5 A I don't remember the time. I know she took a leave  
6 of absence, but no, I don't remember.

7 Q Were you told why she was taking a leave of  
8 absence?

9 A No.

10 Q Do you recall how long that leave of absence  
11 lasted?

12 A I don't know exactly. I don't know the -- exactly,  
13 but I feel like it was -- I don't know -- nine or  
14 ten weeks maybe. But it -- I could be off on that.

15 Q That next section under April 2019, about one, two,  
16 three, four -- four lines down, it says, Because I  
17 was in there alone, I overheard Rachel and Karen  
18 McDaniel talking about Abby. Rachel in a hateful  
19 voice said, I want her gone. She does not need to  
20 be here anymore. Karen said to her that Tom wants  
21 us to follow protocol and document everything. Do  
22 you recall having that conversation with Karen  
23 McDaniel?

24 A Yes.

25 Q And it says, Karen said to her that Tom wants us to

1 follow protocol and document everything. Who is  
2 Tom?

3 A Dr. Harmas.

4 Q If you go to the next page, Stringham 000158, under  
5 March 31, 2020, it says, Stephanie Payne sends out  
6 an e-mail telling all counselors that she is  
7 overwhelmed with all the things we have to do from  
8 home. Do you recall getting that e-mail?

9 A I don't remember.

10 Q Do you recall around that time, March 31, 2020,  
11 were the -- were a lot of counselors telling you  
12 that they felt overwhelmed?

13 A I don't know if they were telling me, but I was  
14 aware it was a hard time. You know, we left more  
15 quickly and we were having -- it was a different  
16 way to reach out to people and support them.

17 Q And in that next section, April 3 {sic}, 2020,  
18 toward the bottom, I also say something about the  
19 504 that Mo Borto mentions in this meeting. She  
20 tells me that it -- she tells me that is not my  
21 job. Huh? So I don't do anything with this. The  
22 next SST, Mo tells me to make sure to set up any  
23 504 students that need to be taken care of. Were  
24 504s a part of Dianna's job?

25 A During that time, I believe they were.

1 Q Do you recall telling Dianna that it was not a part  
2 of her job?

3 A I -- I actually don't remember anything -- that  
4 conversation at all or what that's -- who -- what  
5 student that's even referencing.

6 Q If you go to the next page, Stringham 000159, under  
7 May 11, 2020, there's discussion about a 504, but  
8 in the last part it says, Also, in this e-mail,  
9 Rachel tells me to bring different names to SST if  
10 the spreadsheet I have created is not enough. By  
11 the way, no other counselor is asked to create a  
12 spreadsheet for SST. Is that true that no other  
13 counselor was asked to create a spreadsheet?

14 A Correct.

15 Q And why was Dianna asked to create a spreadsheet?

16 A Because she wasn't prepared showing up for those  
17 meetings on sharing information about students and  
18 it was trying to help get her organization  
19 organized beforehand.

20 Q Was she required to provide the spreadsheet to you?

21 A We -- uh-huh, yes, yes. I said uh-huh again. This  
22 is making me realize how much I do that.

23 Q The next section, May 15, it says -- the last  
24 sentence says, By the way, no one else has to go  
25 over their evaluations with Rachel and Karen. Do

1       you see that part?

2   A   Yes.

3   Q   Is that true?

4   A   Yes.

5   Q   And why is it that Dianna had to go through her  
6       evaluation with both you and Karen at the time?

7   A   Karen wanted to be present with me when I did it to  
8       make sure she understood, there weren't any  
9       questions. She would address anything at that  
10      time.

11   Q   And why did she do that with just Dianna?

12   A   Because we were seeing concerns at that time.

13   Q   And under -- on that same page, June 23, 2020, it  
14       says, Blank is mailed a diploma. I am blamed for  
15       this. There are many people involved in this, his  
16       teacher at the CLC, our registrar, the director of  
17       the CLC, but I'm the one she blames. Do you recall  
18       this situation?

19   A   Yes, a little bit, uh-huh.

20   Q   Do you recall --

21   A   I don't remember the student, but I remember it.

22   Q   Okay. Do you recall blaming Dianna for the student  
23       being mailed a diploma?

24   A   I recall holding her accountable for it, yes.

25   Q   And why was she held accountable?

1 A Because she didn't remove his name from the  
2 spreadsheet to not receive a diploma. So the  
3 registrar wouldn't send it.

4 Q And is this a spreadsheet that is -- was this  
5 Dianna's spreadsheet or a spreadsheet that the  
6 counseling department shared?

7 A It's a master spreadsheet that the counseling  
8 department -- the registrar kind of oversees and  
9 counselors are responsible to tell her if there are  
10 any changes to their kids.

11 Q And this individual, this student that was mailed a  
12 diploma, was that one of Dianna's students?

13 A Yes.

14 Q If you go to the next page, Stringham 000160, under  
15 August 11, 2020, the last sentence says, I think  
16 what to note here is that Rachel did not call  
17 anyone into her office for making errors on  
18 schedules. I asked the other counselors.

19 A I'm sorry. Where did you tell me to look?

20 Q Under August 11, 2020 --

21 A Uh-huh.

22 Q -- the last part of it, right above August 12. It  
23 says, I think what to note here is that Rachel did  
24 not call anyone into her office for making errors  
25 on schedules. I asked the other counselors. Do

1 A Uh-huh.

2 Q -- it says toward the bottom, Abby told me to brace  
3 myself for what she was about to tell me would be  
4 upsetting. She tells me during one of their  
5 meetings that she could not believe that I was  
6 married to a man and then married -- and then marry  
7 a woman and isn't that weird. Do you recall ever  
8 saying that to Abby?

9 A No.

10 (Previously marked Exhibit 13 referenced.)

11 Q I'll show you what's been previously marked  
12 Exhibit 13. Take a look at that.

13 A Do you want me to read through this or --

14 Q If you want or I can point you to specific parts.

15 A You can point me, yeah. At the time -- when I got  
16 it back, I read it, but I haven't read it since.

17 Q So that was my first question. Have you ever seen  
18 this document?

19 A Yeah, at one point. I think it was e-mailed to me.

20 Q And under Investigative Action, it lists you as  
21 number two of interviews that were conducted. Do  
22 you see that part?

23 A Yes.

24 Q Do you recall being interviewed?

25 A Yes.



1 Q And do you recall how long that interview lasted?

2 A I'm not sure. I want to say maybe an hour and a  
3 half.

4 Q If you go to the third page, there's a number of  
5 paragraphs. Number one, it says, Dianna was rated  
6 highly effective in 2018-2019 with a 4.0 rating  
7 score. With these evaluations, what is the highest  
8 rating score?

9 A Four.

10 Q Okay. And that next paragraph, underneath the  
11 numbered paragraphs, it says, Upon reviewing the  
12 past two summative evaluations for Dianna, the  
13 overall rating does not match the comments shared  
14 in the evaluation in 2019-2020. Do you see that?

15 A Yes.

16 Q And why is that that the overall rating wouldn't  
17 match the comments?

18 A Because the rating is linked to the observations.  
19 So you could sit with a student, go through the  
20 schedule, and do course requests and have fours for  
21 that observation for that -- yeah.

22 Q And when artifacts are uploaded to the SFS system,  
23 does that affect the evaluation score in any way?

24 A If the person scoring the evaluation -- there's a  
25 part it can -- you can factor that in but not on

1 the observation rubric part. Does that make sense?

2 Q Yes. So if you were uploading artifacts and rating  
3 that specific artifact as needs improvement or  
4 ineffective, that could affect the overall score?

5 A You don't rate those at all. They're -- it's --  
6 I'm sorry. It's not rated. It's just, like, kind  
7 of supporting either way, professionalism or one of  
8 those that you can upload and a counselor could  
9 upload. Even on an observation, like, sometimes  
10 they may not -- if they're not in their office --  
11 like, there's one part about your office's setup,  
12 you know, conducive for students or whatever. If  
13 there's no marks on that, you know, they might say,  
14 Should I do something to cover that? And you, you  
15 know, would say, I'm not worried. That's not going  
16 to, you know, be docked, so -- but if there was  
17 something that they -- like, oh, I want you to  
18 know -- be aware of this, you certainly -- they'll  
19 upload it.

20 Q And when you upload an artifact for a counselor, do  
21 you alert that counselor of what you're doing?

22 A They get an alert, yeah.

23 Q Do you ever discuss -- let's say you upload  
24 something for a counselor. Do you ever say, Hey, I  
25 want to discuss this with you?

1 A I did with Dianna. We -- on most of hers, I will  
2 say we discussed them before they were uploaded in  
3 our meetings.

4 Q Did you do that with any other counselors?

5 A At -- no, I didn't do them before.

6 (Previously marked Exhibit 14 referenced.)

7 Q I'll show you what's marked previously as  
8 Exhibit 14. Let me know when you've had a chance  
9 to review that.

10 A Okay.

11 Q Have you ever seen this document?

12 A No.

13 Q Were you ever interviewed as part of the  
14 investigation for this second report of  
15 discrimination and/or harassment?

16 A Yes.

17 Q And who interviewed you?

18 A Shelley Coover.

19 Q And what's Shelley's --

20 A Title?

21 Q -- position or title? Yes.

22 A Assistant -- I think -- I think it's HR  
23 assistant -- assistant -- assistant human  
24 resources. I don't know officially.

25 Q Did Shelley ask you about these -- the statement

1 from August 1 to October 11, Rachel Cole wrote me  
2 up 32 times in 60 days? Did Shelley Coover ever  
3 ask you about that?

4 A I think she did.

5 (Previously marked Exhibit 17 referenced.)

6 Q Let me show you what's previously been marked as  
7 Exhibit 17. Take a look at that.

8 A Okay.

9 Q And do you recognize not specifically this document  
10 but kind of the layout of this document?

11 MS. SCHNELKER: Object to form.

12 A Yeah, I haven't seen this before, but it looks like  
13 a list of artifacts in our building that are  
14 uploaded into SFS.

15 Q And the subject says, SFS Evaluator Daily E-mail.  
16 Do you see that at the top?

17 A Yes.

18 Q Do you receive evaluator daily e-mails?

19 A I believe I do, just my department.

20 Q So in looking at this, partway down the first page,  
21 it starts with, CHS - artifact created for  
22 Stringham, comma, Dianna by Rachel Cole. And it  
23 continues on to the second page. In any of the  
24 evaluator daily e-mails you received, have you ever  
25 seen so many artifacts created for one individual?

1 A No.

2 (Previously marked Exhibit 18 referenced.)

3 Q I'll show you what's previously been marked as  
4 Exhibit 18. Take a look at that.

5 A Okay.

6 Q Have you ever seen this document?

7 A Yes.

8 Q And what is this document?

9 A That is the write-up after the day she came in my  
10 office in January about wanting me to sign the  
11 community counselor mental health forms.

12 Q And then the second e-mail that you sent to Maureen  
13 Borto January 28, 2022, at 11:56 a.m., it says,  
14 Counselor came in my office and body language was  
15 tense and aggressive from the beginning. What made  
16 you think her body language was tense and  
17 aggressive?

18 A Her face was, like, flushed and just the way she  
19 carried herself. Like, it was just kind of like,  
20 Why won't you sign these? It wasn't -- there was  
21 no, Do you have a minute? Or, like, it was just  
22 a -- I could just tell -- I don't know what  
23 transpired before, but I felt like something did.

24 Q So you say here the body language tense and  
25 aggressive. Is that just the face flush is what

1 was tense and aggressive?

2 A Well, she didn't sit down and kind of, you know,  
3 had the, you know, papers and was just obviously  
4 upset.

5 Q And at the bottom of that e-mail, you say, I didn't  
6 see the attack/altercation coming. I will not stay  
7 in a room with this counselor. When you say attack  
8 and altercation, it wasn't physical, was it?

9 A No.

10 (Previously marked Exhibit 22 referenced.)

11 Q I'll show you what's been previously marked  
12 Exhibit 22. Just let me know if you have seen this  
13 document before.

14 A I don't remember seeing it, but -- okay. Paper and  
15 pen -- it wasn't presented like this format, was  
16 it, this -- this document before?

17 Q What do you mean by that?

18 A Like, broken up individualized. That's what's  
19 throwing me off, I think.

20 Q That is how we received it.

21 A Oh, okay. Yeah, it looks like an evaluation I  
22 would have done. It's just formatted differently.

23 Q And it looks like this first part all the way to --  
24 let me see. At the top are the Bates labels. So  
25 from Stringham 000319 to Stringham 000329, this

1 appears to be an evaluation that Maureen Borto did.

2 A Okay.

3 Q And it looks like your evaluation or observation  
4 began on Stringham 000330. So do you recognize --

5 A I was looking at the bottom --

6 Q Oh, you're fine.

7 A -- because the others were at the bottom. Zero --  
8 say the number again.

9 Q Stringham 000330.

10 A Okay.

11 Q Do you recognize this part of this document?

12 A Yeah.

13 Q And it looks like this continues from Stringham 330  
14 to Stringham 000332. And within that, would you  
15 agree that you gave Dianna four highly effectives  
16 and two effectives?

17 A Yes.

18 Q And your comment, it says, It was evident the  
19 student was comfortable with you. I'm wondering  
20 what he was thinking when you were giving him the  
21 worksheets. I think you let him know his grades  
22 needed to be a priority, but I am not convinced he  
23 understood where the other things he shared might  
24 need to go as in beneath it if he really wants to  
25 get the AHD. Love the relationship developed. He

1 was comfortable, felt safe, and knows you want him  
2 to succeed. So it looks like this was -- based on  
3 Stringham 000330, this was an observation done in  
4 April of 2021. Would you agree with that?

5 A Yes.

6 Q So at that time you rated Dianna as highly  
7 effective in several categories and effective in  
8 others; is that correct?

9 A No.

10 Q And how is that not correct?

11 A I rated this observation that.

12 Q So this observation, you felt like she was highly  
13 effective or effective?

14 A Correct.

15 Q And if you go to -- it's Stringham 000334. Is this  
16 the employee effectiveness rubric -- is this for  
17 the entire evaluation?

18 MS. SCHNELKER: Object to form.

19 A Let me look. It -- say that again. This part up  
20 here?

21 Q Yes. The employee effectiveness rubric, at the  
22 top, it says, Evaluation ending June 2021. So my  
23 first question is, was this rubric for the  
24 evaluation for the 2020-2021 academic school year?

25 A Yes.



1 A Yes.

2 Q And what is this document?

3 A An improvement plan.

4 Q So she was given an improvement plan on May 12,  
5 2021?

6 A That's what it looks like or it -- I can't remember  
7 if it was our official plan or if it was things  
8 that I wanted her to be aware of.

9 Q Okay. If you compare paragraph one to paragraph  
10 two and the A, B, C, would you agree that the A, B,  
11 C in one is identical to the A, B, C in two?

12 A Yes.

13 (Previously marked Exhibit 29 referenced.)

14 Q I'll show you what's previously been marked as  
15 Exhibit 29. Take a look at that.

16 A Okay.

17 Q Do you recognize this document?

18 A Yes.

19 Q And what is this document?

20 A Well, it's part of the improvement plan at that  
21 time.

22 Q And it says at the top, Date of meeting:  
23 9/10/2020. Do you see that?

24 A Yeah.

25 Q Who was at this meeting?

1 A I don't remember. I want to say Mo, Jill, and  
2 Dianna, but I honestly don't remember. Might have  
3 been Mark. I don't know.

4 Q And you were there as well?

5 A Yes.

6 Q And is this the improvement plan you testified that  
7 you had started working on sometime in the summer  
8 of 2020?

9 A Yes.

10 Q So under paragraph 1A, facts, there's a -- the  
11 first three are from '19 and '20 academic year?

12 A Uh-huh.

13 Q And then four and five are from that current  
14 academic year of 2020-2021?

15 A Uh-huh.

16 MS. SCHNELKER: Yes or no?

17 A Oh, yes.

18 Q So four and five were not included in a draft that  
19 you -- in the plan that you started drafting in the  
20 summer. Would that be correct?

21 A I honestly -- I can't remember, but yeah. I  
22 actually probably did three or four of these before  
23 I landed on the final plan.

24 Q So there were three or four different drafts of  
25 this before --

1 A Yeah.

2 Q -- the final?

3 A Uh-huh, on how I was feeling and would work on it a  
4 little bit.

5 Q And if you look at the second page, under 2A, would  
6 you agree that paragraphs IV through X would not  
7 have been included in an initial draft in the  
8 summer?

9 A Correct. It was at the beginning of that.

10 Q And then on the third page, paragraph 3A, would you  
11 agree that I through IV would not have been  
12 included in a summer draft?

13 A Correct.

14 Q And would you agree that the entire section of III  
15 likely was not included in a summer draft?

16 MS. SCHNELKER: Object to form.

17 A I don't know if I'd agree with that or not. I  
18 can't remember what I had then.

19 Q Do you recall in the -- for the initial summer  
20 draft what facts you would have included for  
21 professionalism?

22 A Yeah.

23 MS. SCHNELKER: Object to form.

24 A I don't remember.

25 (Previously marked Exhibit 30 referenced.)

1 Q I'll show you what's been marked as Exhibit 30  
2 previously. Let me know when you've had a chance  
3 to review that.

4 A Okay.

5 Q Do you recognize this document?

6 A Yeah, it -- I could tell by the format. It's the  
7 second one.

8 Q And the second one, you mean the second --

9 A Improvement plan.

10 Q -- improvement plan?

11 A Yeah.

12 Q If you go to the third page, the right column of  
13 three, under Routine/Procedures/Meeting Deadlines,  
14 six lines down, it says, Dianna will submit an  
15 organizational plan, lesson plan to Rachel every  
16 other Friday by 4:15 p.m., starting on July 30  
17 indicating the deadlines and progress monitoring  
18 that need to be met within that time frame. Do you  
19 see that part?

20 A Yeah.

21 Q Were other counselors required to do that?

22 A No.

23 Q In that next section, it says, Dianna will keep an  
24 SST log of the date of SST, students she presented,  
25 reason for presenting students, and follow-up

1       determined at SST. Were other counselors required  
2       to keep this SST log?

3   A   No.

4   Q   And then the third one, Dianna is required to  
5       observe a counselor selected by Mrs. Cole during  
6       the -- during their SST time in the first weeks --  
7       first four weeks of the plan. Were other  
8       counselors required to observe a counselor?

9   A   No.

10   Q   And on that next page, toward the top, it says,  
11       Dianna will keep a communication log for phone  
12       messages and e-mails that involve parental and  
13       student requests/concerns. Were other counselors  
14       required to keep this log?

15   A   No.

16   Q   And toward the bottom of that same page, the right  
17       column of seven, it says, Dianna will meet with the  
18       administration three times over the course of the  
19       plan. Who is the -- or who are the administration  
20       members?

21   A   Mo and myself.

22   Q   Did those meetings occur?

23   A   I believe so. August -- about -- yeah.

24               (Previously marked Exhibit 31 referenced.)

25   Q   I'll show you what's previously been marked as

1 Exhibit 31. Let me know if you've had a chance to  
2 review that.

3 A Okay.

4 Q Do you recognize this document?

5 A Yes.

6 Q And what is this document?

7 A I believe this was after the second improvement  
8 plan fine tuning, I think. Let me look at the  
9 dates real quick. Yeah, I think this is the  
10 document that followed that year of the second  
11 improvement plan.

12 Q And it looks like on the last page it says, Friday,  
13 January 1, '21 -- Friday, January 21, 2022. Do you  
14 see that?

15 A Yes.

16 Q Do you recall that's the date it was given to her  
17 again?

18 A I -- I don't recall the date, but it sounds right.

19 Q And was this after Dianna had returned from medical  
20 leave?

21 A Yes.

22 Q I'll show you --

23 A Yeah.

24 (Previously marked Exhibit 39 referenced.)

25 Q I'll show you what's been marked as Exhibit 39 if

1       you want to take a look at that.

2   A   Okay.

3   Q   Have you ever seen this document?

4   A   No.

5   Q   It looks like on page 2 that you were interviewed  
6       by Shelley Cover. Do you recall that?

7   A   Uh-huh.

8               MS. SCHNELKER: Yes or no.

9   A   Oh, yes.

10   Q   And in that interview, on page 1, it says, on  
11       February 15, 2022, I met with all the witnesses  
12       named in Dianna Stringham's formal complaint of  
13       harassment and/or discrimination dated January 3,  
14       2022. All witnesses were asked the same two  
15       questions. Did Shelley Coover show to you the  
16       discrimination complaint filed by Dianna?

17   A   No.

18   Q   And it looks like the two questions Shelley was  
19       going to ask of each individual, question number  
20       one, what can you tell me about any incidents of  
21       harassment and/or discrimination that you witnessed  
22       with Dianna Stringham? What have you observed or  
23       heard? Do you recall her asking you that question?

24   A   Yeah, yes.

25   Q   And then question number two, If witnesses do not

1       have any information for the prior question, do you  
2       have any idea why you would have been named as a  
3       witness in this complaint? Do you recall her  
4       asking that?

5   A   Yes.

6   Q   Did she ask any other additional questions other  
7       than those two questions?

8   A   I think she did, but I don't really remember. I  
9       know it wasn't as long as with Dr. O.

10   Q   Did she ask you about the write-ups that Dianna  
11       referenced in her complaint of discrimination?

12   A   I don't remember.

13   Q   And it looks like your answer to number one -- or  
14       number two, I have no idea why Dianna would have  
15       named me as a witness. Did Shelley explain to you  
16       that you were the subject of the report of  
17       discrimination?

18   A   Yes.

19   Q   Would that make sense why you would have been named  
20       as a witness?

21   A   I honestly don't know how -- I -- these go. So  
22       I -- I just thought it was odd that, yeah, I was  
23       asked, but --

24   Q   Did you -- sorry.

25   A   Yeah. I had already gone through it one time and



1       worked. I want to say it was -- I don't know. I  
2       don't remember.

3   Q   If you go to -- you'll see at the top the Bates  
4       labels. If you go to Stringham 000351 and it says  
5       towards the end, about three or four lines up, This  
6       e-mail was dated last March of last semester. Is  
7       there a reason you waited to upload that one until  
8       September 5, 2021?

9   A   Let me take a minute and just read it --

10   Q   Absolutely.

11   A   -- because I can't remember. Okay. Go ahead and  
12       ask me a question.

13   Q   Sure. And it says, This e-mail was dated last  
14       March of last semester. Is there a reason you  
15       waited until September to upload it?

16   A   Yeah, because I didn't see this in March. The  
17       parent brought it to me at the enrollment meeting.

18   Q   And when are enrollment meetings typically?

19   A   All year, whenever they're going to transfer into  
20       our school. She enrolled, withdrew, and came back  
21       so it was at that time.

22   Q   Now, if you go to Stringham 000354, it says, A math  
23       teacher reached out to you on the last day of  
24       registration week. Do you recall when registration  
25       week was in 2021?

1 A It's the week before school starts, but I don't  
2 know the dates, no.

3 Q Is there a reason you waited to upload this one?

4 A Let me read this one, too.

5 Q Sure.

6 A Okay. What was your question?

7 Q Is there a reason you waited to upload this until  
8 September?

9 A I think that I met with Dianna and went over these  
10 and then I uploaded them. That's why it looks like  
11 on certain days there's so many, but it's  
12 following, you know, a meeting that --

13 Q So --

14 A It's covered so then I'm like -- then I uploaded  
15 them.

16 Q So would you have met with her immediately prior to  
17 September 5, 2021?

18 MS. SCHNELKER: Object to form.

19 A I can't remember the date.

20 Q And looking at these, I see below kind of the --  
21 below the narrative is -- in this one, Domain 2:  
22 The Environment; Domain 3: Delivery of Services.  
23 Do you select the ineffective, improvement  
24 necessary, effective, or highly effective?

25 A Yes.

1 Q And if you go to Stringham 000356, it says,  
2 Freshmen counselor had to follow up with parent  
3 after seeing transcript and seeing the schedule  
4 that was created for the student at summer  
5 enrollment. When is summer enrollment?

6 A We're open Monday through Thursday all summer  
7 except, like, Juneteenth, July 4 stuff, but yeah.  
8 It's the week she probably worked that summer.

9 Q If you go to -- and these Bates labels are going to  
10 be in the bottom right corner -- Stringham  
11 001761 --

12 A Okay.

13 Q -- it says, CLC - no senior conferences done. When  
14 are the senior conferences supposed to be done?

15 A It's typically the start of school -- well, I'd  
16 say, like, the second or third week into school we  
17 start them, in September. I can't remember the  
18 date we said, but it's usually maybe the third week  
19 of September time, fourth week.

20 Q Is there a reason this wasn't uploaded until  
21 January 23, 2022?

22 A I wasn't aware they weren't done until after the  
23 fact. My assumption was they were all done.

24 Q And you previously -- well, let me see if I have it  
25 here. If you look at Stringham 001755 --

1 A Okay.

2 Q -- it looks like all of these were submitted and  
3 updated by you on January 23, 2022. Is it normal  
4 to have this many uploaded in -- on one day?

5 A If I'm remembering correctly, is this '21-'22?

6 Q It looks like it, January 23, 2022.

7 A Yeah. I think she was gone on leave. And when  
8 you're gone on leave, they take your name out of  
9 SFS. You can't load or have access to it. And  
10 then when she came back, it wasn't immediately put  
11 in. And I had to put a help ticket in. So when  
12 she was populated in there, the ones while she was  
13 gone that were discovered I uploaded.

14 Q Have you ever uploaded this many artifacts for a  
15 counselor other than Dianna?

16 A No.

17 Q If you go to that next page, Stringham 001756, in  
18 this top corner, it says, Artifact 62 available.  
19 Is that -- does that mean that there were 62  
20 artifacts in Dianna's SFS account?

21 MS. SCHNELKER: Object to form.

22 A I really don't know what that means. Possibly, but  
23 I don't know.

24 Q Does it sound correct that she would have 62  
25 artifacts?

1 MS. SCHNELKER: Object to form.

2 A It could have been, yeah.

3 Q Prior to Dianna, were there any -- prior to Dianna  
4 Stringham, were there any other counselors that had  
5 over 60 artifacts in their account?

6 A No.

7 MS. SCHNELKER: Object to form.

8 Q What about since Dianna?

9 A No.

10 Q Do you know, other than Dianna having 62, what  
11 other counselors had more than 30?

12 A None.

13 Q What about more than ten?

14 A From me?

15 Q Any counselors that worked for you.

16 A I mean, that I uploaded?

17 Q Yes, that you uploaded.

18 A I didn't upload more than ten. They could have had  
19 more than ten in there because they uploaded them  
20 along with me, but no.

21 Q And how many -- if you can recall the maximum other  
22 than Dianna, the maximum number of artifacts you  
23 uploaded for one counselor.

24 MS. SCHNELKER: Object to form.

25 A Oh, probably three, two.

1 Q And do you recall if those were negative artifacts?

2 A No.

3 Q Do you recall if they were positive?

4 A Yes.

5 Q They were all positive?

6 A Yes.

7 Q And if you look through Exhibit 40, do you see any  
8 artifacts uploaded for Dianna that were positive?

9 A Oh, gosh.

10 MS. SCHNELKER: Object to form.

11 A I would say most of -- I don't view all my  
12 artifacts negative. I view them as let's pay  
13 attention to this and make it better. But I  
14 wouldn't say that's positive either. So will you  
15 ask me the question again?

16 Q Are there any artifacts in here that you uploaded  
17 for Dianna that you would consider positive?

18 A I don't think so.

19 Q And looking at the -- you know, on each one where  
20 there's the highly effective, effective,  
21 improvement necessary, ineffective, do you know of  
22 any that are in here that you rated or marked as  
23 highly effective or effective?

24 A I don't think so.

25 Q Do you recall any counselor other than Dianna that

1 A Because the year prior when I would talk through  
2 these with her, it -- afterwards then at the end of  
3 the year at evaluation, she didn't consider those  
4 part of that overall evaluation and wanted to just  
5 focus on the observations. So that's why we went  
6 to the next step of if we have any more of these, I  
7 am going to upload them that we've discussed, and  
8 that was what we did.

9 Q So why didn't you do that as a matter of course for  
10 all counselors?

11 MS. SCHNELKER: Object to form.

12 A Because when I talked to them about it, it didn't  
13 happen again. It wasn't, you know, over and over  
14 that I was having to have these discussions or  
15 concerns. So we -- it -- I didn't need to go to  
16 the next step.

17 Q So for Dianna, she was the only one that you  
18 uploaded all of these artifacts for?

19 MS. SCHNELKER: Object to form.

20 A On -- yes.

21 (Previously marked Exhibit 42 referenced.)

22 Q I'll show you what's been marked previously as  
23 Exhibit 42. Take a look at that.

24 A Okay.

25 Q Do you recognize this document?

1 A Yes.

2 Q And what is this document?

3 A It was a follow-up e-mail after a meeting.

4 Q And it says -- in the second paragraph, the last  
5 sentence says, Going forward, we will upload  
6 documentation as it presents itself in addition to  
7 addressing them directly with you. As any  
8 documentation presented itself, did you discuss it  
9 with Dianna?

10 A Say that again.

11 Q Because it says, Going forward, we will upload  
12 documentation as it presents itself. So when  
13 something occurred, did you immediately upload it  
14 to SFS?

15 A No.

16 Q And did you -- it says, In addition to addressing  
17 them directly with you. As it occurred, did you  
18 address it directly with Dianna?

19 A Yes.

20 Q And why when something -- when an issue or  
21 documentation presented itself, why didn't you  
22 immediately upload it to SFS?

23 A I just wanted to go over it and discuss it with her  
24 prior to uploading it in there if I could. I mean,  
25 I think most of the time that's how it worked.



1 (Previously marked Exhibit 43 referenced.)

2 Q Let me show you what's previously been marked as  
3 Exhibit 43. Let me know when you've had a chance  
4 to review that.

5 A Okay.

6 Q Do you recognize this document?

7 A Yes.

8 Q And what is this document?

9 A It was another follow-up e-mail to a meeting we  
10 had.

11 Q And towards the bottom it says, You also shared  
12 that you wanted to know if the SFS tool was being  
13 used to accumulate data to fire you or was it  
14 information being used to document concerns and  
15 show growth? The plan is designed for growth and  
16 SFS is to document evidence of the plan. Prior to  
17 Dianna receiving an improvement plan, had any other  
18 counselors been under -- been given an improvement  
19 plan?

20 A No.

21 Q And since Dianna, have any counselors been given an  
22 improvement plan?

23 A No.

24 Q So Dianna is the only one that you have -- that  
25 reported directly to you that was given an

1 improvement plan?

2 A Yes.

3 (Previously marked Exhibit 44 referenced.)

4 Q I'll show you what's been previously marked as  
5 Exhibit 44.

6 A Okay.

7 Q And do you recognize this document?

8 A Yes.

9 Q And I think the only question I have about this  
10 just to ensure, is this a true and accurate copy of  
11 the e-mail that you sent to Dianna Stringham and  
12 Maureen Borto on September 30, 2021, at 8:38 a.m.?

13 A I believe it is.

14 (Previously marked Exhibit 45 referenced.)

15 Q I'll show you what's previously been marked as  
16 Exhibit 45.

17 A Okay.

18 Q Do you recognize this document?

19 A No.

20 Q And it says, Meeting four ended with Dianna saying  
21 she did not want to continue with improvement plan  
22 on October 11. She was not going to do that.  
23 Union rep suggested she take some time to think it  
24 over. She took the day off and then posted this  
25 social media post, ultimately taking a leave from

1 work -- from work that she initiated with ESC.

2 So --

3 A I think all that's true. I just don't remember in  
4 context. This doesn't look familiar.

5 Q So you didn't draft this?

6 A I may have. It just doesn't look familiar.

7 Q Is it something after a meeting that you would  
8 draft?

9 A It really looks like for me something I would have  
10 written so that I could keep track of time. That's  
11 why I'm not -- I'm not sure how this was framed.

12 Q And who do you recall this meeting for? Who was  
13 present?

14 A I want to say it was Jill, Mo, and myself, and  
15 Dianna, but I'm not 100 percent.

16 Q Did she tell you in this fourth meeting that she  
17 was taking a medical leave?

18 A She did not.

19 (Previously marked Exhibit 46 referenced.)

20 Q I'll show you what's been marked as Exhibit 46.  
21 You don't have to read the whole thing if you don't  
22 want to. I was going to point to a couple areas.

23 A Okay.

24 Q But my overall question is, have you seen this  
25 document before?

1 A I think I have. I actually think I saw it online,  
2 but...

3 Q If you go to page 5, paragraph 18, it says, Over  
4 the 2020 summer, June or July more precisely,  
5 Ms. Borto and Ms. Cole, with assistance from  
6 Dr. Thomas Harnas, CHS principal, and Dr. Thomas  
7 Oestreich, assistant superintendent, began  
8 preparing a detailed improvement plan for  
9 Mrs. Stringham. And I know you previously  
10 testified that you worked with Mo Borto. Does  
11 this --

12 A Uh-huh.

13 Q Is it correct that you also worked with Dr. Harnas  
14 and Dr. Oestreich with the improvement plan?

15 A Mo took -- was taking the draft and working with  
16 them, but I was -- again, I think that was the  
17 summer I was on leave and we were just  
18 electronically and, you know, every once in a while  
19 on the phone. So she was touching base with them.  
20 I personally wasn't.

21 Q So you worked directly with Mo?

22 A Uh-huh.

23 Q And then Mo worked with Dr. Harnas and  
24 Dr. Oestreich?

25 A I believe so, yeah.

1 Q If you go to page nine, paragraph 53, it says, For  
2 the 2020-'21 school year, Ms. Borto and Ms. Cole  
3 wanted to give Mrs. Stringham a needs improvement  
4 evaluation rating, which is lower than highly  
5 effective and effective but above ineffective. So  
6 was it both you and Mo that thought she should  
7 receive a needs improvement?

8 A Yes.

9 Q Okay. And paragraph 54 says, Dr. Oestreich  
10 disagreed with Ms. Borto and Mrs. Cole on  
11 Mrs. Stringham's 2020-'21 evaluation rating. And  
12 he goes on to say that he wanted more written  
13 artifacts to relay in writing the concerns within  
14 the evaluation system, Standards for Success. Do  
15 you see that?

16 A Uh-huh.

17 Q Is that --

18 A Yes.

19 Q Is that why you started uploading the artifacts in  
20 order to bolster the needs improvement?

21 A No.

22 Q And why is it after Dr. Oestreich stated you needed  
23 to upload artifacts did you start uploading  
24 artifacts?

25 A He didn't say I had to upload artifacts. He said

1 STATE OF INDIANA

2 COUNTY OF HAMILTON

3  
4 I, Julie A. Nicholson, RPR, CRR, a Notary  
5 Public in and for said county and state, do hereby  
6 certify that the deponent herein was by me first duly  
7 sworn to tell the truth, the whole truth, and nothing  
8 but the truth in the aforementioned matter;

9 That the foregoing deposition was taken on  
10 behalf of the Plaintiff; that said deposition was  
11 taken at the time and place heretofore mentioned  
12 between 8:58 a.m. and 1:32 p.m.;

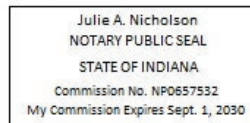
13 That said deposition was taken down in  
14 stenograph notes and afterwards reduced to typewriting  
15 under my direction; and that the typewritten  
16 transcript is a true record of the testimony given by  
17 said deponent;

18 And thereafter presented to said witness for  
19 signature; that this certificate does not purport to  
20 acknowledge or verify the signature hereto of the  
21 deponent.

22 I do further certify that I am a disinterested  
23 person in this cause of action; that I am not a  
24 relative of the attorneys for any of the parties.  
25

1           IN WITNESS WHEREOF, I have hereunto set my  
2 hand and affixed my notarial seal this 22nd day of  
3 June, 2023.

4  
5  
6  
7           *Julie A. Nicholson*



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14       My Commission Expires:  
15       September 1, 2030

16       Job No. 181956  
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